HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 14365 of 2007

Dated 09.07.2007

Between:

Shaik Mastan Valli.

...Petitioner

and

The sub-Divisional Forest Officer and others.

...Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 14365 of 2007

O R D E R:

Petitioner claims to be the owner of an auto bearing No.AP 37W 2409. He states that a passenger boarded the auto with some luggage contained in a gunny bag at Jangareddygudem Town for being dropped at Aswaraopet, Khammam District. The auto was intercepted by the Forest Guard under the control of the first respondent and on verification, it emerged that the gunny bag contained teakwood pieces, not covered by any valid bill. On receiving information, the first respondent seized the auto and the timber. The petitioner submits that he was not aware of the contents of the gunny bag and prays for release of the vehicle.

Heard the learned counsel for the petitioner and the learned Government Pleader for Forests.

Proceedings under Section 44 of the A.P. Forests Act have been initiated against the petitioner and the owner of the seized timber. The first respondent is conferred with the power to grant interim custody of the vehicle, in case, the petitioner is able to convince that he is not involved in the matter or that the owner of the timber did not disclose the same, while boarding into the auto. This court cannot direct release of the vehicle,

when the petitioner can very well approach the first respondent himself.

Hence, the writ petition is disposed of, leaving it open to the petitioner to file an application before the first respondent, for interim custody of the vehicle and as and when it is filed, it shall be disposed of within one week therefrom. There shall be no order as to costs.

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09.07.2007

Note: Issue C.C. tomorrow.

(B/o)

JSU